



## **GRANT APPLICATION FORM 2009-2010**

### **Legacy Land Conservation Program Department of Land and Natural Resources (Revised July 2009)**

**Please download Grant Application Instructions, available at <http://hawaii.gov/dlnr/dofaw/llcp>, prior to completing this Grant Application Form.**

Signed forms and Required Preliminary Documentation must be sent by email in Portable Document Format (PDF) to [molly.e.schmidt@hawaii.gov](mailto:molly.e.schmidt@hawaii.gov) by September 16, 2009, 4:30 p.m., Hawaii-Aleutian Standard Time (HST).

The Grant Application Form and Required Preliminary Documentation must be postmarked or hand-delivered by September 16, 2009, 4:30 p.m. HST to:

Legacy Land Conservation Program  
Hawaii Department of Land and Natural Resources  
1151 Punchbowl Street, Room 325  
Honolulu, HI 96813

Please see the Grant Application Instructions for details, available at: <http://hawaii.gov/dlnr/dofaw/llcp>.

**ATTENTION:** Due to the fiscal situation it is uncertain if any awards will be issued in upcoming year, however, the Department of Land and Natural Resources feels it is worthwhile to proceed with a request for applications as that situation is evolving. This request for applications may be cancelled and any or all proposals rejected in whole or in part, without liability, when it is determined to be in the best interest of the State. Final awards are subject to the availability of funds and are also subject to budget restrictions and procedures implemented under the Fiscal Year 2010-2011 Executive Biennium Budget Instructions.

**Project Title:** Malu Aina Farmland Conservation

**Applicant:** Malu Aina Center for Non-Violent Education and Action

**Project Location (Island and District):** Hawai'i, Puna

**APPLICATION PACKAGE CHECKLIST (check the boxes if the following items are attached and provide an explanation if they are not):**

- ☒ Letter from current landowner acknowledging project and indicating willingness to sell
- ☒ A preliminary title report
- ☒ A general location map and a parcel map
- ☒ At least one (1), but no more than three (3) photos of the property
- ☒ Any concise and relevant appended/supplementary materials (optional)
- ☒ FOR NONPROFIT LAND CONSERVATION ORGANIZATIONS
  - o Copy of mission statement and
  - o IRS 501 (c) (3) or (c) (1) non-profit status determination letter
- ☐ WHERE INTENDED HOLDER OF PROPERTY IS OTHER THAN APPLICANT:
  - o the intended holder must sign this form as a co-applicant and provide any forms required of applicants AND provide a letter indicating willingness to participate

**CERTIFICATION:**

*I/We hereby certify that the statements and information contained in this Legacy Land Conservation Program Grant Application, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, this application may be rejected.*

James Albertini

\_\_\_\_\_  
Name\* (please type)

\_\_\_\_\_  
Signature\* (sign after printing)

President

\_\_\_\_\_  
Title

Sept. 14, 2009

\_\_\_\_\_  
Date

**Co-applicant (if applicable):**

\_\_\_\_\_  
Name\* (please type)

\_\_\_\_\_  
Signature\* (sign after printing)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\* Must be authorized to sign on behalf of agency or organization.

**SECTION A. APPLICANT INFORMATION**

Agency / Organization Name	Center for Non Violent Education and Action, a.k.a. Malu Aina
Mailing Address (PO Box or Street, City, State, Zip)	PO Box AB, Kurtistown, HI 96760
Contact Person and Title	James Albertini, President
Phone Numbers (best contact, work, cellular)	808-966-7622
Email Address	info@malu-aina.org
Agency / Organization Website (include URL to any specific pages regarding this project)	www.malu-aina.org

**SECTION B. TYPE OF ACQUISITION**

1. We are requesting funding for the acquisition of:

Fee simple interest in private land	<input checked="" type="checkbox"/>
Permanent conservation or agricultural easement	<input type="checkbox"/>

2. We intend for the property interest to be held by:

State of Hawaii	<input type="checkbox"/>
County of:	<input type="checkbox"/>
Other (indicate entity)*: Malu Aina	<input checked="" type="checkbox"/>

\* If the intended holder of the interest is an entity other than the applicant, please attach a letter from this entity acknowledging its participation in the project.



### SECTION C. DESCRIPTION OF LAND (SUMMARY)

1. Location of property (please be as specific as possible; for example, "Moloaa, makai, located on the north shore of Kauai"):

Ten miles south of Hilo on the makai side of Highway 11, Puna District, Hawai'i Island

2. Tax Map Key(s) (use the following format: "(4) 5-6-007:008"):

(3) 1-1-002:016

3. Size of property (indicate acreage or square footage):

11.14 acres

4. What types of easement(s) are located on the property? (for example: vehicular, pedestrian for beach access, utility, etc.):

None

5. Does the seller have full undivided fee ownership of property ("clear title")? If not, please explain. Attach a preliminary title report (see instructions).

Yes

6. Will the public have access to property or easement? ☐ Yes ☒ No

7. Please provide the following land use information:

State Land Use Designation	Agriculture
County Zoning	Ag5A
County General /Community Plan Designation	Important Agricultural Land
Flood Zone Designation	Zone X outside 500 year flood plain

8. Is property located in a Special Management Area? ☐ Yes ☒ No

9. Please describe any structures (e.g. size, location, use, condition, etc.) on the property.

None

10. What kinds of land uses/activities are underway on the property? Please describe land uses/activities underway on the subject property and on bordering properties.

Approximately four acres are presently planted in Dracanea. To the east: organic fruits and vegetables. To the northwest: Fuku-Bonsai farm, to the north: macadamia and floral cultivation, to the south: fruit orchard. 

11. What types of surveys or documented analyses, if any, have been conducted regarding the property (e.g. environmental assessments, cultural assessments, environmental impact statements, biological field surveys, archeological surveys, Special Management Area permit applications)?

None of the above has been conducted; the land was previously under sugarcane cultivation.

#### SECTION D. PRESERVATION PURPOSES

1. We propose that the property be acquired for the following preservation purpose(s) (check all that apply, and then provide more information regarding the preservation purposes in numbers 2 through 10 below for *checked areas only*):

Watershed protection	<input type="checkbox"/>	Parks	<input type="checkbox"/>
Coastal areas, beaches and ocean access	<input type="checkbox"/>	Natural areas	<input type="checkbox"/>
Habitat protection	<input checked="" type="checkbox"/>	Agricultural production	<input checked="" type="checkbox"/>
Cultural and historical sites	<input type="checkbox"/>	Open spaces and scenic resources	<input checked="" type="checkbox"/>
Recreational and public hunting areas	<input type="checkbox"/>		

2. Watershed Protection: Please describe the watershed function of this property: (elevation gradient, type/condition of vegetation, presence of perennial or ephemeral streams or drainage channels, other water bodies, etc.).

(character limit 1,200)

3. Coastal areas, beaches and ocean access: Please describe the environmental significance of this property (e.g. length of shoreline, intertidal areas, type/amount of beach, coastal strand vegetation, extent of erosion, etc.). Please describe the type and extent of ocean access.

(character limit 1,200)

4. Habitat Protection: Please describe the types of habitat present within the property, including the types of wildlife species that use the area and the elevation range of the property. Describe the condition of habitat, including the presence of both threatened & endangered and invasive species. Describe the size/diversity of wildlife populations. Note if the habitat is formally designated (e.g. critical habitat, wildlife refuge, etc.). Note also the condition and extent of wildlife habitat on adjacent lands.

While agricultural use and preservation is Malu Aina's primary focus, the Hawaiian hawk (l'ō) has frequently been sighted on and flying over the property as well as adjacent properties. Protecting the historical agricultural status and value of this important parcel will ensure the land is used for agricultural purposes in perpetuity, simultaneously protecting the pristine character of the land for endemic and other native species' habitat. Malu Aina's organic farming practices maintain a balance between agriculture and natural resources. Organic farming rotates crops in order to keep the land fertile, plants cover crops to retain water, and replenishes the soil's organic matter to cultivate pest-resistance and high nutrient value. Effective conservation practices and stewardship within this property will minimize soil disturbance and maintain water quality. This project will model a high diversity of land uses and values — such as conservation easements and agriculture. The Malu Aina farmlands are a “living landscape,” and the territorial diversity that makes up the farm will bring a different way of thinking and planning vis-à-vis the ecological processes at work on the earth.

(character limit 1,200)



5. Cultural and historic sites: Please identify the presence, location and condition of cultural or historic structures or sites (e.g., heiau, lo'i, burials, burial caves, dunes, or remnant walls) on the property. Identify any sites that are listed on or eligible for the National Register of Historic Places.

(character limit 1,200)

6. Recreational and public hunting areas: Please identify ongoing types and levels of public recreational activity on the property and describe the level of public access. Please identify the types of activities anticipated after acquisition of the property. Is public hunting currently underway on the property? Is the property within a Game Management Area?

(character limit 1,200)

7. Parks: Is the parcel within or adjacent to a Federal, State or County Park? If so, please describe.

(character limit 1,200)

8. **Natural Area:** Please describe the natural resources on the property (e.g. streams, estuaries, anchialine ponds, dunes, caves, forest, etc.). Is the property within or adjacent to a formally designated natural area (e.g., Natural Area Reserve, Refuge, Sanctuary, etc.)?

(character limit 1,200)

9. **Agricultural Production:** Please describe the types and extent of agricultural activities underway on the property or adjacent to the property. Note if there is a record of past agricultural activities.

The property is prime kipuka deep soil, with about four acres currently under ornamental plants cultivation. The remaining acreage includes grasses, remnant sugarcane, and various weed trees (Cecropia, Albisia and Gunpowder). To the east is Malu Aina's working organic farm, to the west is Fuku-Bonsai, to the north are macadamia and floral cultivation, and to the south is a fruit orchard. W.H. Shipman Company and the County of Hawai'i have records of the previous sugarcane cultivation for this parcel. Malu Aina's primary mission is organic agriculture and will maintain the property in agricultural use.

(character limit 1,200)

10. **Open spaces or scenic resources:** Please describe the open space values of the property. Is the property readily visible from surrounding and/or distant areas? Describe the view plane from the property. Does the property itself have unusual or exceptional value as a site from which to view and appreciate scenic vistas?

According to the Hawai'i State Department of Land & Natural Resources, the forests and wild lands of Hawai'i Island provide the last refuge for many native species. Hundreds of threatened and endangered species cling to existence across the Island.



The U.S. Fish & Wildlife Service Threatened and Endangered Species System lists 329 plant and animal species on Hawai'i as endangered (63% of its species). Maintaining the beauty and integrity of our scenic and cultural landscapes is imperative for the economic health of our islands. Our responsibility as stewards of the land requires us to protect and nurture the plants and animals that live there. With increasing development underway on Hawai'i Island, agricultural lands provide green open space. The property in question provides a valuable scenic counterpoint to local residential and commercial development and preserves scenic views of Mauna Kea and Mauna Loa. These views would be severely compromised or altogether lost if future development occurs on this parcel.

(character limit 1,200)

## SECTION E. ENVIRONMENTAL HAZARDS

1. If there are suspected or potential hazards associated on or related to this property, please check all the following that apply and describe each:

There are no known hazards.	<input checked="" type="checkbox"/>
The property is a designated brownfield (former industrial use).	<input type="checkbox"/>
There has been illegal dumping /hazardous materials.	<input type="checkbox"/>
The property is prone to flooding or is a natural drainage basin.	<input type="checkbox"/>
The property is prone to falling rocks or mudslides.	<input type="checkbox"/>
The features of the property's surface are potentially hazardous (i.e. uneven, rocky, or fallow terrain, overgrowth of flora, etc.).	<input type="checkbox"/>
Other suspected or potential hazards:	<input type="checkbox"/>

## SECTION F. FUNDING REQUEST

1. What is the fair market value of the fee simple property?

\$ 255,500

2. What is the fair market value of the conservation / agricultural easement?

\$

3. How were the estimated values determined?

	<u>Fee Simple</u>	<u>Easement</u>
Appraisal Report (indicate date & author of report)	Hawai'i County Real Property Tax Office, 2008	
Current County Tax Assessed Value	\$177,100	
Other (please specify)		

4. Is the property or easement currently listed for sale or has it been listed for sale within the past two years?

- ☒ Yes. Asking price: \$ \$250,000
- ☐ No.

5. Please provide an estimated timeline for acquisition (note that funding will expire two years from date of award agreement):

March/April 2010 - Legacy Land awards announced/secured  
 Spring 2010 - Environmental Phase I study conducted  
 Summer 2010 - Land purchase completed  
 Fall 2010 - Conservation easement concluded with Hawai'i Island Land Trust

(character limit 500)

6. What is the total estimated cost for acquisition? Please use the table below:

<b>Estimated Acquisition Cost Worksheet</b>				
Expense Item	Estimated Cost	% of Costs to be Paid by:		
		Land Owner	Applicant	Other (specify)
Appraisal report	\$750	50%	50%	
Title report	\$750	50%	50%	
Property survey	\$1000	50%	50%	
Subdivision				
Environmental investigation	\$5000	50%	50%	
Other:	\$3000	50%	50%	
Other:	\$3050	50%	50%	
Other:	\$10,000	50%	50%	
Other:	\$30,000		100%	
Subtotal	\$ 53,550			
Estimated Value of Property	\$ 255,500		100%	
<b>TOTAL ANTICIPATED COST OF ACQUISITION</b>	<b>\$ 309,050</b>	<b>2 %</b>	<b>98 %</b>	<b>%</b>



7. What are the anticipated matching funds? Please use table below:

<b>Estimated Matching Funds Worksheet</b>			
Type	\$ Amount	Source of Funds or Basis of Valuation	Status* (Secured/Pending)
Private funds	\$54,987	Supporters/donations	Secured
Public/other funds	\$6775	Current owner	Secured
Public/other funds			
Public/other funds			
Public/other funds			
Land value donation (can include bargain sale reduction in price from fair market value in this category)	\$5500	Less than fair market value	Commitment by current owner
In-kind contributions	\$10,000	Administrative services	Secured
<b>TOTAL MATCHING FUNDS</b>	<b>\$ 77,262 ( 25 )%</b>		
<b>AMOUNT BEING REQUESTED FROM THE LEGACY LAND PROGRAM</b>	<b>\$ 231,788 ( 75 )%</b>		
<b>TOTAL ANTICIPATED COST OF ACQUISITION</b>	<b>\$ 309,050 ( 100 )%</b>		

\* Please describe the current status of any pending funds and indicate the date that any pending funds will become available if they are awarded:

(character limit 500)

## **SECTION G. PROJECT DESCRIPTION**

Please attach answers to the questions below on a separate sheet and attach it to the application form. Make sure to number your answers so they correlate with the numbered questions below. Please limit the length of your answers to Questions 1 and 2 to one single-spaced page, Times New Roman 12-point font, 1 inch margins.

1. Briefly describe the overall significance and importance of the property and/or easement.
2. Identify any conditions that threaten the significance and importance of the subject site. This may include anticipated uses of neighboring lands, environmental conditions (e.g. sedimentation, runoff, invasive species, conflicting activities, etc.).

## **SECTION H. STEWARDSHIP AND MANAGEMENT**

Please attach an answer to the question below on a separate sheet and attach it to the application form. Please limit your answer to Question 3 to two single-spaced pages, Times New Roman 12-point font, 1 inch margins.

3. Briefly describe the proposed use of the acquired property or easement including any short and long term goals, resource management plan, sources of start up funding, operation and maintenance funding. Disclose any intended commercial uses. Will any intended activities on the land require permits? What entity (if not the applicant) will manage the property/easement? Please describe the expertise and experience of the managing entity. How will any cultural resources that are present integrate into the overall preservation/protection and use of the property?

## **SECTION I. CULTURAL AND HISTORICAL SIGNIFICANCE**

Please attach an answer to the question below on a separate sheet and attach it to the application form. Please limit the length of your answer to Question 4 to two single-spaced page, Times New Roman 12-point font, 1 inch margins.

4. Briefly describe the cultural significance and historic uses of the property. As guidance, please consider the following information:
  - a. Name of area; translation and possible interpretation;
  - b. Known pre-contact history and land uses; and
  - c. Neighboring areas/ahupua`a information and its relationship to the site being considered.

The following resources are available to assist in research: Office of Hawaiian Affairs (OHA), State of Hawaii Historic Preservation Division (SHPD), University of Hawaii Center for Hawaiian Studies, Kamehameha Schools/Bishop Estate, Bishop Museum.



## SECTION G. PROJECT DESCRIPTION

### 1. Briefly describe the overall significance and importance of the property and/or easement.

In FY2008, Malu Aina submitted an application for funding under the Legacy Lands program for this specific project. However, at the final stage of review the project was denied funding by Governor Lingle. As such, the project has been on hiatus as the organization has worked to reconfigure existing resources and secure new funds in the current challenging economic climate. The landowner is still very willing and committed to working with Malu Aina and has made a good faith effort to hold the property until such funds can be secured to purchase the land. Unfortunately, time is running out.

Under the new FY2009 Legacy Lands solicitation, Malu Aina has increased its amount of matching funds and partnered with Hawai'i Island Land Trust (HILT). HILT is a local, tax exempt, community-based land trust working island-wide to facilitate the preservation of cultural, environmentally sensitive, and historical lands for future generations to enjoy. Malu 'Aina will seek to protect this acquisition with an agricultural conservation easement to be held by HILT that will protect the agricultural character of the property in perpetuity. An executed Memorandum of Understanding to this effect between Malu Aina and HILT is included with this application.

The 11.14-acre property is significant and important because it is prime agricultural land, with kipuka deep soil. It has a County General Plan designation of Important Agricultural Land (IAL). Situated at 600+' elevation, near Volcano Highway 11 on the slopes of Kilauea and Mauna Loa, it enjoys abundant rain for growing a wide variety of fruits and vegetables. It is very close to the population center of Kurtistown—offering the possibility of opening a farmers' market either at a nearby church or even closer cultural center. It will expand opportunities for us to share food, without cost, to people in need.

The property also has the advantage of bordering our non-profit organization's 22-acre organic farm. We are committed to keeping our own property and the surrounding neighborhood intact as agricultural land. This commitment is also shared by our neighbor—a farmer and current owner of the parcel we wish to acquire.



2. Identify any conditions that threaten the significance and importance of the subject site. This may include anticipated uses of neighboring lands, environmental conditions (e.g. sedimentation, runoff, invasive species, conflicting activities, etc.).

There are definite conditions, both existing and potential, that could pose a threat to maintaining the pristine agricultural nature of the property. The threat of the area becoming a "gentleman's estate" enclave is very real. The trend is clear: important agricultural land is not being used for agriculture. Two properties in the immediate vicinity are for sale. One of them has only a lawn under cultivation. Across the road from these two, the current owner of a large property has planted lawns and rows of privacy trees, with all indications of readiness for subdivision. If such upscale residential development is allowed to become the pattern, shopping malls and other commercial enterprises will not be far behind.

Should these anticipated, undesirable uses occur, there will inevitably be negative environmental impacts on the subject property. Its downslope location will be the victim of runoff, erosion and the introduction of invasive species.

## SECTION H. STEWARDSHIP AND MANAGEMENT

3. Briefly describe the proposed use of the acquired property or easement including any short and long term goals, resource management plan, sources of start up funding, operation and maintenance funding. Disclose any intended commercial uses. Will any intended activities on the land require permits? What entity (if not the applicant) will manage the property/easement? Please describe the expertise and experience of the managing entity. How will any cultural resources that are present integrate into the overall preservation/protection and use of the property?

The underlying purpose for seeking this property is to preserve prime agricultural land, promote food self-sufficiency, and build a sustainable food future. The property is situated in Puna District, an area with high unemployment and a high percentage of low-income residents. It is one of our state's poorest districts. Surrounded by poverty, we see our role as both economic and humanitarian.

World oil prices are escalating. Related increases in shipping costs impact heavily on Hawai'i, which currently suffers from its over-reliance on imported foods. Our proposed use of the land is to grow food for our local community—both for sale at an affordable price and to share, without cost, to people in need. Though sales through local outdoor markets and natural food stores might be termed "commercial," our purpose is definitely not to grow for profit. As has always been our practice, whatever modest income is realized through food production will be shared with others and used for the educational activities to which our non-profit organization is dedicated.

The Center for Non-Violent Education and Action (CNVEA) has nearly 30 years of stewardship experience in managing and caring for the 22 acres of land entrusted to its care. Established in 1979 as a non-profit corporation, its members have successfully converted abandoned sugar plantation acreage into Malu Aina Farm—a small-scale, diversified agricultural project that produces organic fruit and vegetables for local consumption and distribution. Tilapia and catfish are also raised in a number of fish-tanks scattered throughout the farm. The farm is home to a small, all-volunteer community that welcomes interns and guests from around the world to contribute time and skills—and to be educated in the ways of simple living and sustainable agriculture.

Building on our successful track record spanning three decades, we envision great possibilities for expanding existing programs and initiating new ones on the acquired property. One possible project is the development of a farm incubation center, which would include an heirloom and native plants seed repository. Malu Aina has already developed a kalo repository, consisting of 30 varieties. An incubation center could also train young farmers, help set up community gardens, and make plots available to individuals and groups to grow food for local consumption. In all that we plan for this property, our primary guide will be traditional, non-depleting methods of cultivating and caring for the land.

Finally, Malu Aina will seek a conservation easement on the new acreage to facilitate the permanent protection of these lands for agricultural use. Working together with Hawai'i Island

Land Trust, Malu Aina would grant this easement in perpetuity. This project is aligned with land use that will honor Hawai'i's people and heritage; value and perpetuate Hawai'i's natural and cultural resources; engender mutual respect among all stakeholders; and support a vital and sustainable economy. Hawai'i Island Land Trust would manage long-term stewardship of the conservation easement.



## SECTION I. CULTURAL AND HISTORICAL SIGNIFICANCE

4. Briefly describe the cultural significance and historic uses of the property. As guidance, please consider the following information: a. Name of area; translation and possible interpretation; b. Known pre-contact history and land uses; and c. Neighboring areas/ahupua'a information and its relationship to the site being considered.

The Fukumoto property is located in the Ola'a ahupua'a of the Puna District. Puna means spring source and the district has plenty of underground rivers and springs which feed down slope to the fish ponds at the former populous village at Kea'au Beach and the sacred site of Ha'ena point. Ha'ena means "intense breath," representing the first breath of life. Pua Kanakaole Kanahele teaches all of her students of the chants of Kea'au and considers Kea'au Beach the birthplace of the Hula, where Hopoe taught Pele's sister, Hi'iaka, to dance the hula.

The Ola'a ahupua'a was an unusual land locked ahupua'a for a sacred forest area. Malu Aina has a working relationship with the Hawelu family (Lawrence and Richard) in Kurtistown and according to them, their family were the bird catchers of the Ola'a sacred forest for the unique colored feathers for the ali'i capes. In the 1800s the Hawelus operated a halfway house near what is now Mt. View for people making the journey from Hilo or Kea'au Beach to Volcano along the Kahiko Pele trail. At lower elevations of the trail ulu trees were planted as a food source for travelers along the trail. Many people, including Queen Liliuokalani and Mark Twain made that journey.

It is said that much of the forest in the Ola'a ahupua'a was initially cleared in the mid to late 1800s to make way for coffee being grown in the area and later replaced with sugar cane --Ola'a and later Puna sugar companies. Lorrin Thurston, former owner of the Honolulu Advertiser and key architect in the overthrow of Hawaii married Clara Shipman of the Shipman family. The Shipmans and Thurston were involved in the Ola'a and Puna sugar ventures located in both the Ola'a and adjacent Kea'au ahupua'a. The Kea'au ahupua'a belonged to the Lunalilo Trust that was to benefit the poor. The missionary trustees sold off the lands of Kea'au to fellow missionary W.H. Shipman 64,000-acres for \$20,000 or 29 cents per acre, a bargain price even by the standards of the late 1800s. Today the Lunalilo trust is one of the poorest of the Hawaiian trusts.

Malu 'Aina is on the edge of the Ola'a ahupua'a and the Kea'au ahupua'a. The name --Malu 'Aina was given by Bernard Punikaia of Kalaupapa and Hale Mohalu. His translation was "Land of Peace", but he said it also means to shade and protect; to nurture the land that will nurture us. The east side boundary of Malu Aina is the border of the Kea'au ahupua'a and is the site of the trail heading from Hilo and Kea'au Beach to Volcano. James Ahia who was a long time Ola'a resident and member of Ola'a Hawaiian Congregational church said his favorite taro grown in the area was lauloa, which has a white corm and makes very good poi. He gave Malu Aina lauloa and several other taro varieties to plant.

Today, the present rural subdivisions -- Orchidland, Hawaiian Paradise Park, Hawaiian Acres, Fern Acres, etc. are all located in the Kea'au ahupua'a. Kurtistown, Mt. View and surrounding prime agricultural lands are all in the Ola'a ahupua'a and are coming under increasing pressures for urban development.



**MEMORANDUM OF UNDERSTANDING  
BETWEEN MALU 'AINA CENTER FOR NON-VIOLENT EDUCATION AND ACTION  
AND HAWAI'I ISLAND LAND TRUST**

1. **Parties and Purpose.** This Memorandum of Understanding "MOU" between Malu 'Aina Center for Non-Violent Education and Action ("Malu 'Aina"), PO Box AB, Ola'a (Kurtistown), HI 96760 and Hawai'i Island Land Trust ("HILT"), PO Box 976, Kealahou, HI 96750 establishes the terms and conditions under which HILT may, pursuant to the Hawai'i State Department of Land and Natural Resources Legacy Land Conservation Program (2009), provide support and assistance to Malu 'Aina in implementing the grant-funded project, Malu 'Aina Farmland Conservation.

3. **Duration.** This MOU is effective as of the date last signed by the authorized representatives of Malu 'Aina and HILT and shall remain in effect until terminated by the parties. This MOU may be terminated, without cause, by either party with 30 days written notice.

4. **Malu 'Aina Responsibilities.** Malu 'Aina will seek to secure 11.14 acres of farmland (TMK (3) 1-1-002-016) in the Puna District, Hawai'i Island, to expand and enhance its existing organic farming operations. Malu 'Aina will provide administrative and fiscal management of this grant. Further, if granted Legacy Lands funds under its 2009 application, Malu 'Aina will donate a conservation easement on the 11.4 acre parcel to be acquired with Legacy Lands funding. The purpose of the conservation easement will be to protect in perpetuity the agricultural qualities of the parcel.

5. **HILT Responsibilities.** HILT will commit to and support the implementation of Malu 'Aina Farmland Conservation. HILT will provide technical assistance and oversight in drafting and securing the proposed conservation easement on the 11.14 acre parcel to be acquired with Legacy Lands funding. HILT will steward the Malu 'Aina conservation easement to ensure this acreage is preserved for agricultural use in perpetuity.

6. **General Provisions.**

A. **Amendments.** Either party may request changes to this MOU. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated in writing, and be effective when executed and signed by all parties to this MOU.


B. **Applicable Law.** The construction, interpretation and enforcement of this MOU shall be governed by the laws of the State of Hawai'i. The courts of the State of Hawai'i shall have jurisdiction.

C. **Entirety of Agreement.** This MOU represents the entire agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

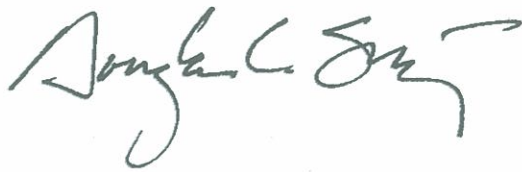
7. **Signatures.** In witness to this agreement, Malu 'Aina and HILT, through their authorized representatives, have executed this MOU on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth above.

The effective date of this MOU is the date of the signature last affixed to this page.

**Malu 'Aina**

  
\_\_\_\_\_  
James Albertini, President  
Date: 9-14-09

**Hawai'i Island Land Trust, by**

  
\_\_\_\_\_  
Douglas Sensenig, Executive Director  
Date: September 10, 2009



August 22, 2008

Department of Land and Natural Resources  
Legacy Land Conservation Program  
1151 Punchbowl Street, Room 325  
Honolulu, HI 96813

Re: Kurtistown Ag Property/ Malu 'Āina Application

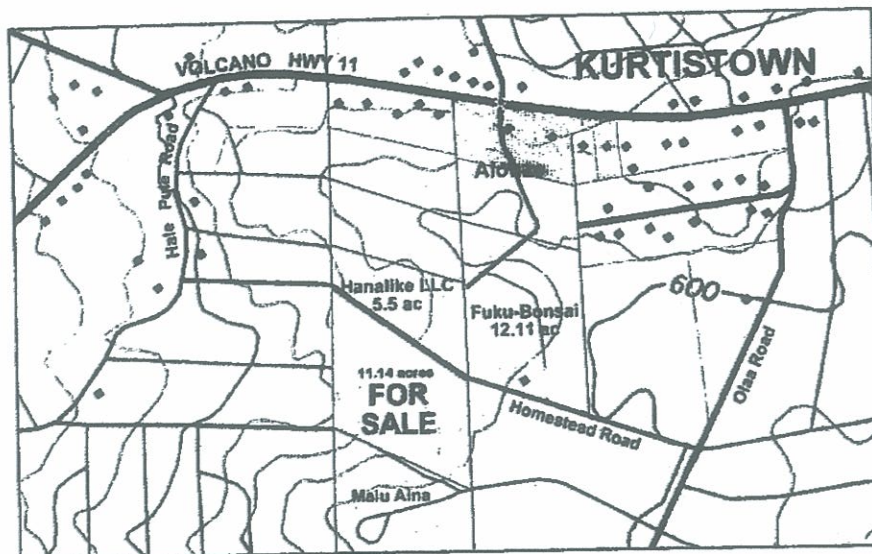
Dear Legacy Lands Commission:

I am the landowner of the approximately 11.14 acre property in Kurtistown, Hawai'i Island ( TMK: 1-7-002-016). I am currently marketing the property for sale and am a willing seller. I would be willing to sell the property to Malu 'Āina if agreeable terms can be negotiated.

Please let me know if you have any further questions.

Very truly yours,

  
David Fukumoto  
PO Box 178, Kurtistown, Hawaii 96768  
Phone: (808) 966-7668  
Email: [david.f@fukubonsai.com](mailto:david.f@fukubonsai.com)



**LIMITED OFFER TO SELL**  
**11.14 ACRES OF PRIME KIPUKA DEEP SOIL**  
**KURTISTOWN AGRICULTURAL LAND (TMK 1-7-002-016)**

The Fukumoto family offer the property "as is" at the same price (\$250,000) that we purchased it from the Watanabe family provided it is a reasonably quick, clean direct sale not requiring a realtor's sales commission, but including all necessary legal protections and recordation, and surveying-staking costs. Attorney Ralph Black of Hilo (or an attorney agreed upon) will draw up the Agreement of Sale and oversee escrow closing. Buyer and seller will split all escrow, closing, or other costs beyond the purchase price. The Fukumotos will be taking a loss and buyer must cooperate to minimize the loss. Deed restrictions will limit use to agriculture and not as a "gentleman's estate."

There is an existing month-to-month rent of 4.13 acres to a Hawaiian export nurseryman for the growing of dracaena cane at the rate of \$183.36 per month payable on the 15<sup>th</sup> of each month including rent and a proportional property tax amount. Renter has requested that we keep him informed as he would like to work with the new owner and would need a minimum of two months notice to remove his field stock.

The Fukumotos closed escrow early in 2008 only to recently learn that the 5.5 acre parcel between Fuku-Bonsai and this property was forced to come up for sale. The Fukumotos have begun escrow purchase and are in the process of forming Hanalike LLC with others. The 5.5-acre parcel will be consolidated with the 12.11-acre Fuku-Bonsai property and subdivided to create an optimum site for a new Kurtistown Fuku-Bonsai Cultural Center.

**FOR MORE INFORMATION, CONTACT**

David W. Fukumoto  
 c/o Fuku-Bonsai (PO Box 6000, Kurtistown, Hawaii 96760)  
 Phone (808) 982-9880 or 966-7668  
 Email: [david.f@fukubonsai.com](mailto:david.f@fukubonsai.com)

Subject to prior sale or revision of terms.

August 22, 2008



HEI

County &gt; State &gt; State Bur

Home Property Search

Address Parcel Number Advanced

## RECORD DETAILS

Parcel Data

Sales

Permits

Land

Residential

Commercial

Det. Structures

Sketch

► Values

Map

Tax Bill

Tax Details 2008

Tax Details 2007

Tax Details 2006

Tax Details 2005

Tax Details 2004

Tax Details 2003

170020160000

NA

FUKUMOTO DAVID WEYLAND

## Values - 2008 Assessment Yr

Property Class	Override Class	Market Land Value	Dedicated/Use Value	Land Exemption	Net Taxable Land Value	Assessed Building Value	Building Exemption	Net Taxable Building Value	Taxable Total
AGRICULTURAL		\$255,500	\$177,100	\$0	\$177,100	\$0	\$0	\$0	\$1
Parcel Summary		\$255,500	\$177,100	\$0	\$177,100	\$0	\$0	\$0	\$1
Totals									

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County of Hawaii  
DEPARTMENT OF PUBLIC WORKS  
101 Punchi Street, Suite 7 • Hilo, Hawaii 96720

Flood Zone Determination

Ph.: 961-8327 (Hilo) 327-3530 (Kona)  
Fax.: 961-8933 (Hilo) 327-3533 (Kona)

Tax Map Key: 1-7-002-016

Requested By: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Date: 8/27/08

Signature: [Signature]

Flood Zone is: X

Remarks: Panel not printed -

Minimal Tsunami Inundation

Completed by: [Signature]

Date: AUG 27 2008

Notes:

1) A property in Zone X (not within the Special Flood Hazard Area) may be damaged by a flood greater than that predicted on the Flood Insurance Rate Map (FIRM), or from a local drainage problem not shown on the map. The information provided here does not create liability for the County of Hawaii, or any officer or employee thereof, for any damage that results from reliance on this information.

2) A copy of the Tax Map Key, with the specific flood designation(s) may be available at the Department of Public Works for a nominal fee.

3) Buyers are advised to consult an Architect and/or Engineer or other experts of the buyers' choice if there are additional questions.

County of Hawaii is an Equal Opportunity Provider and Employer

LEGEND

SPECIAL FLOOD HAZARD AREAS INUNDATE BY 100-YEAR FLOOD

- ZONE A No base flood elevations determined.
- ZONE AE Base flood elevations determined.
- ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.
- ZONE AO Flood depths of 1 to 3 feet (usually areas of flow on sloping terrain); average depth determined. For areas of elevated fan flow, velocity also determined.
- ZONE A99 To be protected from 100-year flood by Federal flood protection system until construction; no base elevations determined.
- ZONE V Coastal flood with velocity hazard (wave action); no base flood elevations determined.
- ZONE VE Coastal flood with velocity hazard (wave action); base flood elevations determined.

FLOODWAY AREAS IN ZONE AE

OTHER FLOOD AREAS

- ZONE X (shaded) Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.

OTHER AREAS

- ZONE X Areas determined to be outside 500-year flood plain.
- ZONE D Areas in which flood hazards are undetermined.

Flood Boundary

Floodway Boundary

Zone D Boundary

Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Zones.

Base Flood Elevation Line; Elevation in Feet\*

Cross Section Line

Base Flood Elevation in Feet Where Uniform Within Zone\*

Elevation Reference Mark

\*Referenced to the National Geodetic Vertical Datum of 1929

NOTES

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size, or all planimetric features outside Special Flood Hazard Areas.

Areas of special flood hazard (100-year flood) include Zones A, A1-30, AE, AH, AO, A99, V, V1-30 AND VE.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the Federal Emergency Management Agency.

Floodway widths in some areas may be too narrow to show to scale. Floodway widths are provided in the Flood Insurance Study Report.

Coastal base flood elevations apply only landward of the shoreline.

Floodway reference marks

## From Articles of Incorporation

Statement of character of the affairs which the corporation is actually conducting:

The Center for Non-Violent Education and Action, Inc. shall be organized exclusively for charitable, scientific, educational and literary purposes, within the meaning of Section 501 (c) 3 of the Internal Revenue Code of/or any successor thereto. Such purposes shall be the following:

- a) To establish an agriculturally-based Center for Non-Violent Education and Action which seeks proper use and respect for the land in conjunction with building a world free from nuclear destruction and unjust divisions in humanity.
- b) To promote, sponsor and conduct research and investigation related to the role of agriculture in developing non-violence as a philosophy to bring about change for the benefit of humanity.
- c) To conduct and sponsor educational and training programs that will equip people with the skills to develop specific means toward a world of peace and justice which are based on the principle of truth in thought, word, and action, the principle of the unity of all beings and the world environment.
- d) To foster the accumulation and exchange of information related to non-violence as a way of life and the need to understand and deepen Aloha Aina values, and to publish and disseminate such information.
- e) To acquire and hold land for the above purposes, provided that land so acquired shall always be used in an environmentally sensitive and ecologically sound manner and shall always be used to effect the broad purposes of the Center for Non-Violent Education and Action, Inc.
- f) To accept gifts of any nature for use in connection with the purposes set forth.
- g) To engage in, to the extent permitted by law, any activity whatsoever, anywhere in the world, provided, however, that all such activities are in furtherance of the purposes set forth above.

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## MISSION STATEMENT

Malu 'Aina Center for Nonviolent Education and Action is an all-volunteer non-profit organization that grows food to share with people in need and works for justice, peace and preserving the environment.



Internal Revenue Service  
District Director

Department of the Treasury

Date:

AUG 16 1984

Our Letter Dated:

December 15, 1981

Person to Contact:

L. Bakion

Contact Telephone Number:

(213) 688-4889

Center for Non-Violent Education  
and Action  
1918 University Avenue  
Honolulu, HI 96822

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section 509(a)(1)\*. Your exempt status under section 501(c)(3) of the code is still in effect.

Grantors and contributors may rely on this determination until the Internal Revenue Service publishes notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1)\* status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1)\* organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,



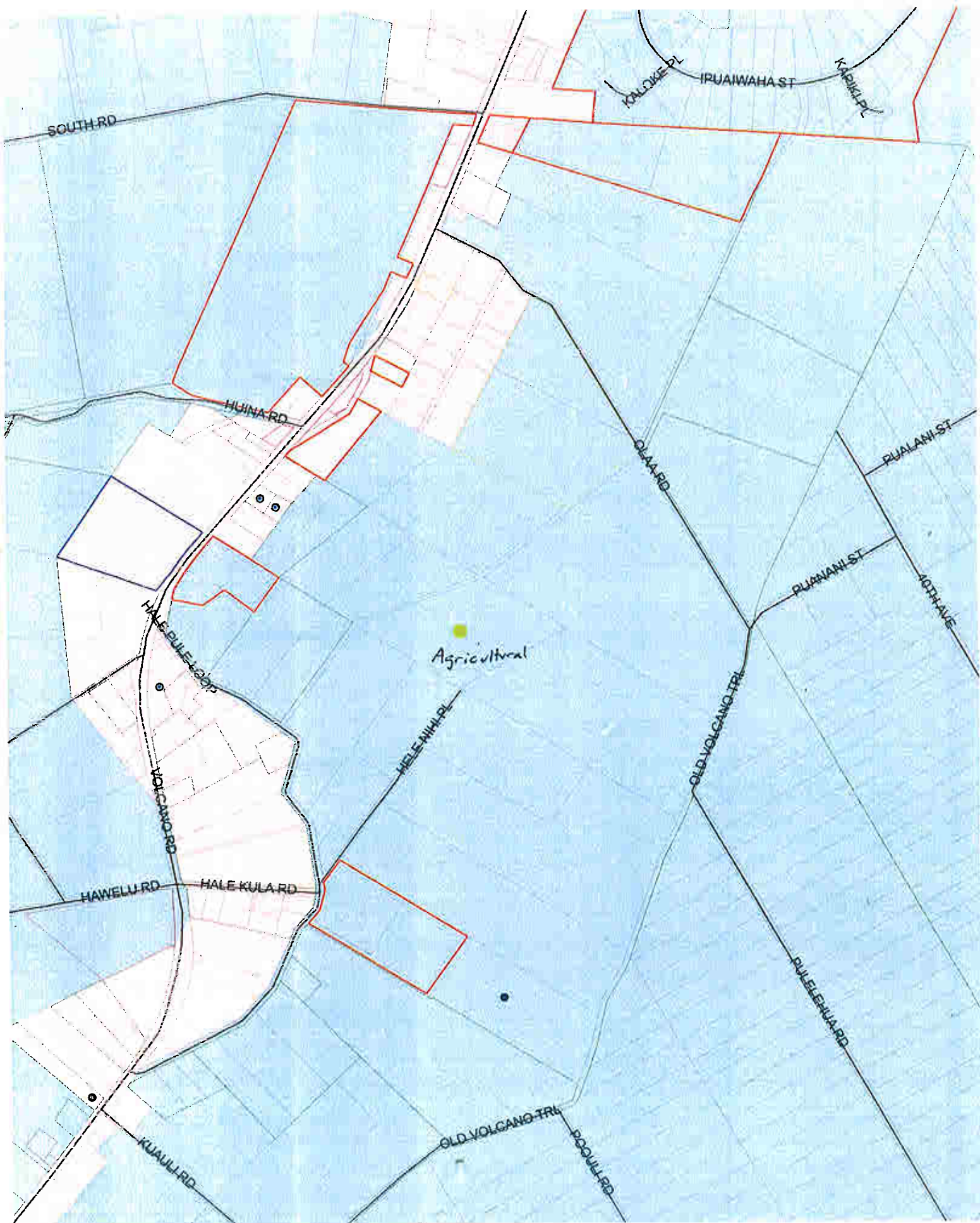
District Director

and section 170(b)(1)(A)(vi)



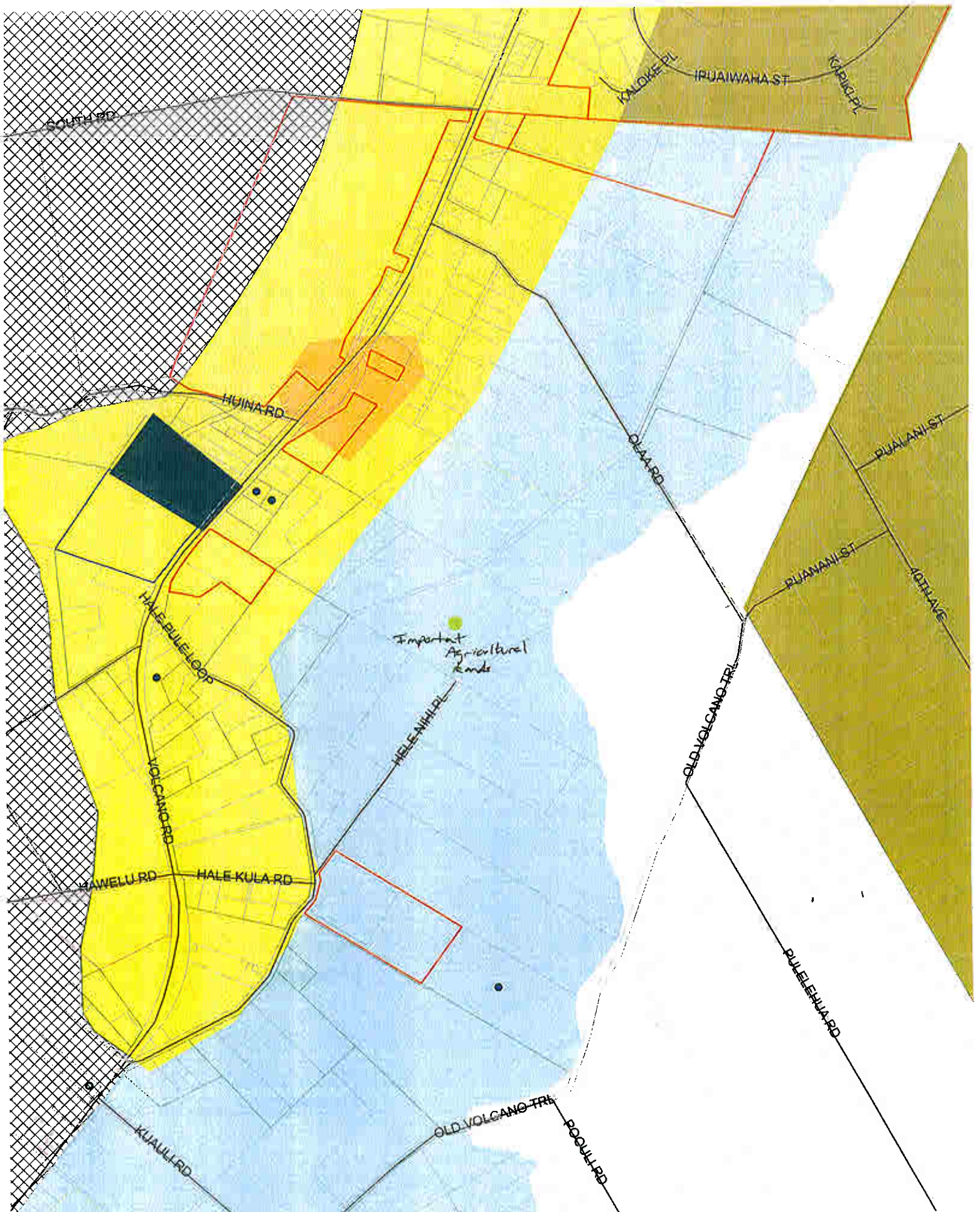






State Land Use





LUPAG (General Plan)

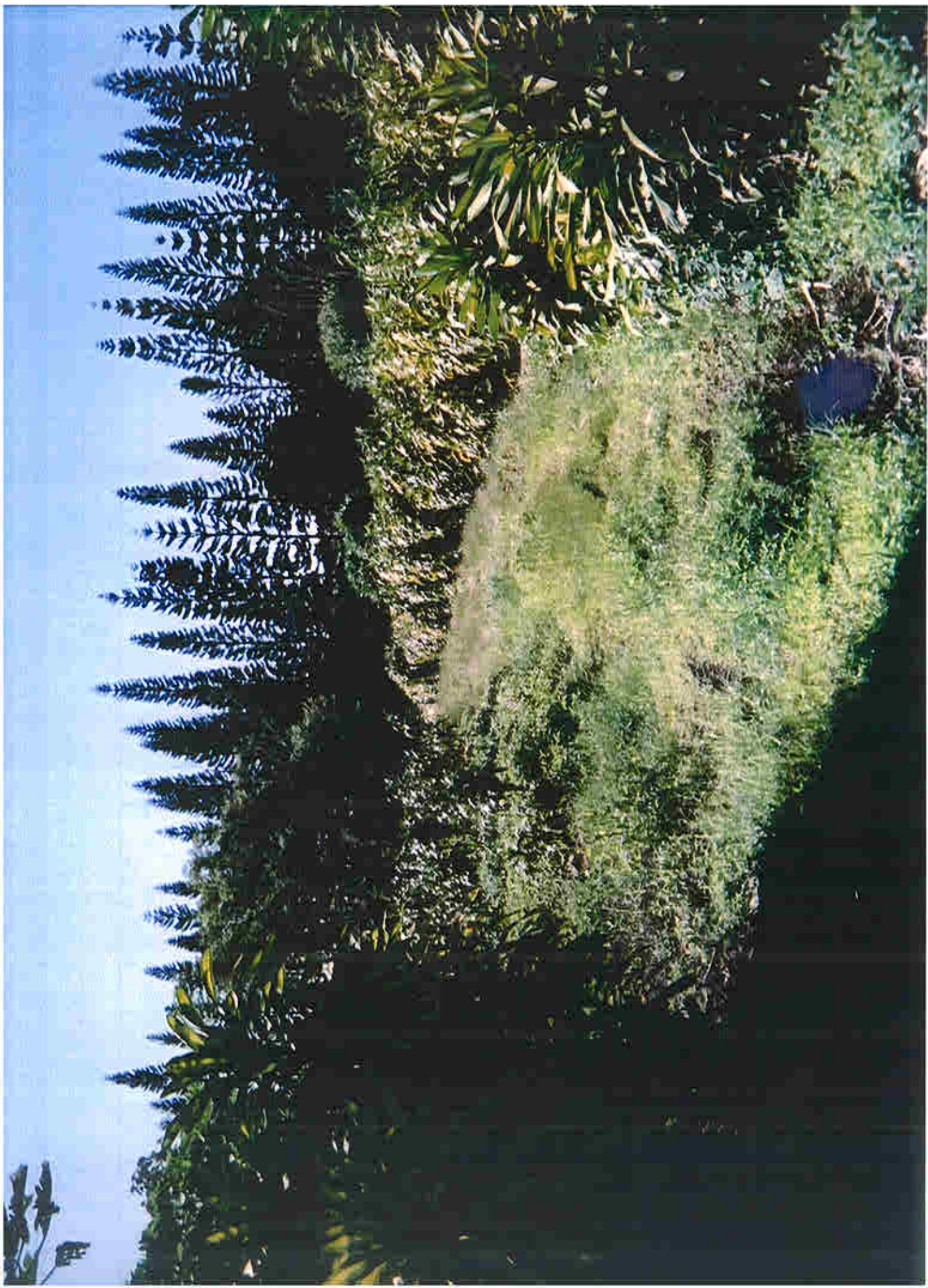




#1 Photo of Fukumoto land taken from approximate center of the parcel looking south easterly. Malu `Aina Norfolk Island pines in background. Dracaena in foreground.

4.1 acres of the Fukumoto land is presently in dracaena. The remiander <sup>is</sup> former sugar cane land now mostly in grass and some exotic "weed" trees -- cercropia, albesia, and gunpowder.







#2 Photo of Fukumoto land taken from approximate center of the parcel looking easterly. (Norfolk Island Pines of western border of Malu `Aina in distance)



**#3 Photo taken from north central boundary of Fukumoto land looking south.  
Arica palms in far distance is neighbors boundary**